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ECF FILED ON 04/02/10

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:)	BK-S-09-14339-BAM
)	Chapter 13
ANTHONY J. SAVAGE, and)	
CHRISTINE COSLEY-SAVAGE,)	
)	
Debtor,)	DATE: 04-13-10
)	TIME: 1:30 P.M.

OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, the Debtors, ANTHONY and CHRISTINE SAVAGE, (hereinafter "Debtors" or "Savage"), by and through their attorney, CHRISTOPHER P. BURKE, ESQ., and respectfully requests this Court to deny the Motion For Relief From The Automatic Stay, filed by Creditor, WELLS FARGO BANK, N.A., (hereinafter "Wells Fargo") by and through its attorney, GREGORY L. WILDE, ESQ. of WILDE & ASSOCIATES. This Opposition is based upon the pleading and papers on file herein and the Memorandum of Points and Authorities, attached hereto and incorporated herein.

FACTS

On March 26, 2009, a Chapter 13 bankruptcy was filed on behalf of Savage. Listed as a secured creditor is Wells Fargo, the lien holder on the property located at 6325 Winter Valley Cir., Las Vegas, Nevada 89130.

POINTS AND AUTHORITIES

11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition stay

for cause, including the lack of adequate protection of an interest in property of such party in interest;---

11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

with respect to a stay of an act against property under subsection (a) of this section, if-

- (A) the debtor does not have an equity in such property AND
- (B) such property is not necessary to an effective reorganization

Wells Fargo is seeking relief from stay because of Savages lack of post petition payments on their mortgage. At this time, Savage owed approximately \$239,812.40 on their first mortgage to Wells Fargo Bank, N.A. and approximately \$30,000.00 on their second mortgage. Wells Fargo estimate the property has a value of \$140,000.00.

First, Savage argues even if there is no equity in the property, the property must also not be necessary for a reorganization for the stay to lift. 11 U.S.C. §362(d)(2).

Second, Debtor request six (6) months to get current. Once, current, the Savages will then maintain their regular monthly mortgage payments to Wells Fargo.

THEREFORE, Savages requests that, the Motion for Relief from Automatic Stay, be denied, or in the alternative stayed for a period of time to allow Savage to become current with their

1 payments.

2
3 DATED, this 2nd day of April, 2010.

4
5 RESPECTFULLY SUBMITTED:

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7 /S/CHRISTOPHER P. BURKE, ESQ.
8 CHRISTOPHER P. BURKE, ESQ.
9 Attorney for Debtor
10 218 S. Maryland Pkwy.
11 Las Vegas, NV 89101
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**CERTIFICATE OF MAILING OF OPPOSITION TO
MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

I hereby certify that I am an employee of CHRISTOPHER P. BURKE, ESQ., and on the 2nd day of April, 2010, I caused to be served a true and correct copy of:

1. Opposition to Motion for Relief from Automatic Stay. [Dkt.#35] in the following manner:

 X (ELECTRONIC SERVICE) Under Administrative Order 02-1(Rcv.8-31-04) of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court's facilities.

 X (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Las Vegas, Nevada to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

 (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

 (FACSIMILE) That I served a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those persons listed on the attached

1 service list, on the date above written.

2 Gregory L. Wilde, Esq. Kathleen A. Leavitt, Trustee
3 WILDE & ASSOCIATES 201 Las Vegas Blvd. S.
208 S. Jones Blvd. #200
4 Las Vegas, NV 89107 Las Vegas, NV 89101

5 Mark S. Bosco, Esq. U.S. Trustee
6 TIFFANY & BOSCO, P.A. 300 Las Vegas Blvd. S., #4300
2525 E. Camelback Rd., Suite 300 Las Vegas, NV 89101
7 Phoenix, AZ 85016

8 Anthony & Christine Savage
9 6325 Winter Valley Ct.
Las Vegas, NV 89130

10
11 Dated this 2nd day of April, 2010.

12
13 /S/KARYN HOLLINGSWORTH
14 Employee of
Christopher P. Burke, Esq.
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